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General Plan



City of Indian Wells

OPEN SPACE and CONSERVATION ELEMENTS

October 1973

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I. INTRODUCTION

The City of Indian Wells has been endowed with a rich variety of natural and recreational resources of economic and aesthetic value to both the present and future City, as well as Valley, residents.

As pioneers and settlers of a developing country, we depended upon our resources for survival, considering them to be unlimited and resilient in both supply and quality. Today, however, there is a growing appreciation that these resources are finite and that the quality of our environment is being threatened by thoughtless growth. The natural resources of the City and our country are now dependent upon us for survival. In response to this greatly increased public awareness, much of the attention and respect formerly paid to urban development is now being directed toward programs to limit the processes of environmental deterioration. At the political level, the passage of the National Environmental Policy Act of 1969 (NEPA) by Congress and the enactment of the Environmental Quality Act of 1970 (CEQA) by the California State Legislature offer some proof of governmental concern. In addition, it is significant that in the same year (1970) CEQA was passed, the State Planning Law was amended to require that by June 30, 1973 every city and county government must prepare and adopt an Open Space Element and Conservation Element. This June 30th date was subsequently extended to December 31, 1973 by the Marler Bill (S.B. 594).

The State Planning Law has been amended to require several other mandatory general plan elements-- most of which closely relate to open space and conservation. To date, there are nine local plan elements which must be a part of the General Plan: land use, circulation, housing, conservation, open space, seismic safety, noise, scenic highway, and safety. Although a recreation element is not mandatory, it is desirable. The preparation of the Open Space and Conservation Elements for the City gives consideration for a future Recreation Element, since outdoor recreation -- both public and private -- is one of the primary types of open space use and, if properly managed, is in accord with conservation practices.

General Plan Elements not only act as guides to identify problems and opportunities, propose goals and policies, and determine standards and criteria; but they are required to propose implementation methods to carry out the intent of the plans. Various methods of implementation of both the Open Space and Conservation Elements are set forth in Chapter IV of this text. The methods offer varying degrees of effectiveness, and differing areas should receive differing treatment.

The implementation of the Conservation Element is related intimately to the implementation of the Open Space Element. As will be indicated elsewhere in the text, conservation of natural resources is often assured to a great extent by

the natural openness of an area. The conservation policies indicate a system of prudent and logical development and appropriate utilization of resources.

II. OPEN SPACE ELEMENT

The purpose of the Open Space Element can perhaps be best understood by referring to the California Government Code, portions of which are quoted here:

A. Authority

Section 65302 (e) and 56560 et seq. requires an open space element in all city and county general plans.

Section 65563 states:

"on or before December 31, 1973, every city and county shall prepare, adopt, and submit to the Secretary of the Resources Agency a local open space plan for the comprehensive and long-range preservation and conservation of open space land within its jurisdiction."

B. Intent

Section 65562 states that:

"It is the intent of the Legislature in enacting this article:

- (a) To assure that cities and counties recognize that open space land is a limited and valuable resource which must be conserved wherever possible.*
- (b) To assure that every city and county will prepare and carry out open-space plans which, along with state and regional open-space plans, will accomplish the objectives of a comprehensive open-space program.*
(Added by Stats. 1970, c. 1590, p. 3316, Section 15)"

C. Findings and Declarations

Section 65561 states that:

"The Legislature finds and declares as follows:

- (a) That the preservation of open space land, as defined in this article, is necessary not only for the maintenance*

of the economy of the State, but also for the assurance of the continued availability of land for the production of food and fiber, for the enjoyment of scenic beauty, for recreation and for the use of natural resources.

- (b) That discouraging premature and unnecessary conversion of open space land to urban uses is a matter of public interest and will be of benefit to urban dwellers because it will discourage noncontiguous development patterns which unnecessarily increase the costs of community services to community residents.*
- (c) That the anticipated increase in the population of the State demands that cities, counties, and the State at the earliest possible date make definite plans for the preservation of valuable open space land and take positive action to carry out such plans by the adoption and strict administration of laws, ordinances, rules and regulations as authorized by this chapter or by other appropriate methods.*
- (d) That in order to assure that the interests of all its people are met in the orderly growth and development of the State and the preservation and conservation of its resources, it is necessary to provide for the development by the State, regional agencies, counties and cities, including charter cities, of statewide coordinated plans for the conservation and preservation of open space lands.*
- (e) That for these reasons this article is necessary for the promotion of the general welfare and for the protection of the public interest in open space land.*
(Added by Stats. 1970, c. 1590, p. 3315, Section 15)"

Thus, it can be seen that the Open Space Element of the City of Indian Wells General Plan should be based upon the premise that open space is a limited and valuable resource, which must be conserved wherever possible.

D. Scope and Definitions

The task of defining the term "open space land" is not an easy one, but Section 65560 (b) of the Government Code defines it as follows:

- (b) "Open-space land" is any parcel or area of land or water*

which is essentially unimproved and devoted to an open-space use as defined in this section, and which is designated on a local, regional or state open-space plan as any of the following:

- (1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.
- (2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.
- (3) Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
- (4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection and enhancement of air quality.

E. Inventory

The City of Indian Wells comprises approximately 8,000 acres. The following table categorizes the existing open space and other uses:

<u>Open Space Use</u>	<u>Acres</u>
Natural Resources	
Flora and Fauna Sensitivity	316
Areas of Scientific Study and Education	361 *
Resource Production	
Agriculture	316
Ground-Water Basin Recharge	840
Outdoor Recreation	
Scenic Mountains and Foothills	4,250
Other Scenic, Historic, & Cultural Value	97 *
Scenic Highway Corridors	84
Recreation Link Corridors	37
Golf Courses and Other Outdoor Recreation	338
Public Health and Safety	
Severe Wind Erosion Hazard	360
Earthquake Fault Zones	44 *
Flood Plains	46
High Fire Risk	32 *
Other Uses	
Urban	672
Vacant Acreage	740

* Overlaps in other categories

F. Goals and Policies

Open Space Goal

To preserve, maintain, and enhance an open space system which will permit production of food and fiber, conserve natural resources, preserve scenic beauty, define urban form, provide open space for outdoor recreation, provide public safety, and protect health.

Open Space Policies

The following policies are courses of action to achieve the Open Space Goal:

1. The open space characteristics of the City, including the rivers, the mountains, the deserts, and the agricultural lands, should be controlled so that premature and indiscriminate development will not occur.
2. The premature extension of public services, facilities, utilities, and other capital improvements for urban uses into open space shall be discouraged.
3. The preservation of productive agricultural land shall be encouraged for its value in providing food and fiber and in maintaining a viable agricultural industry.

4. The recreational use of lands in environmental hazard areas, such as flood plains and geological hazard areas, shall be encouraged as long as public health and safety are not endangered.
5. Open space lands which have the potential to provide important recreational opportunities should be protected carefully and managed wisely.
6. The preservation of open space -- such as the river flood plains -- within urban areas shall be encouraged in order to provide relief from the forces and effects of the urban environment.
7. Areas subject to flooding, fire hazard, earth slippage, and other natural hazards should be carefully regulated.
8. Development on flood plains and in flood hazard areas shall be prohibited or restricted prior to installation of flood control and drainage facilities.
9. Urban development adjacent to publicly owned open space lands should be developed in a manner which will not conflict with public open space uses.
10. Adequate access to mountain open space corridors shall be ensured by encouraging or persuading

developers of bordering lands to provide public easements by means of streets, walkways, or trailways.

11. Efforts to achieve land assessment practices compatible with and supportive of open space lands shall be encouraged.
12. Open space preserves under legislation enacted pursuant to Article XVIII of the California Constitution should be utilized.
13. Areas of open space significance, such as scenic highway corridors, shall be identified and measures shall be developed to limit uses to those compatible with the values and qualities of those areas.
14. Open space areas of unique, representative, or fragile ecologies needed for education or scientific research should be conserved.
15. The development of a coordinated system of recreational, scenic, scientific, cultural, and nature-oriented open spaces and linkages shall be encouraged.
16. Use of legislative and financial tools (such as the Quimby Act) which require subdividers or developers to dedicate lands or to make in lieu

payments for park or other open space uses shall be encouraged.

17. Open space needed for protection of water quality, and water supply and for waste disposal and noise abatement should be protected and conserved.
18. Proponents of development in open space areas shall demonstrate that no significant adverse impact will be created which would detract from desirable qualities of those areas; including all necessary mitigating measures.
19. Substantial developments within the designated open space areas shall be developed pursuant to a Specific Plan of land use or conditional use permit, or both if appropriate in a particular situation, to ensure that the development is properly protected from blowsand, wind erosion, flooding and other physical problems; to ensure that the development can provide the necessary sewage disposal, water supply, and similar facilities, and to ensure that the development fits within the concept of maintaining open space through the use of planned developments that integrate open space into the development. This integrated open space shall be encouraged in a manner which would enhance the open space amenities available to the population.

G. Proposals

The Open Space Element is an integral part of the City of Indian Wells General Plan and is intended to be a guide for future use of open areas in a manner that will conserve, protect, and enhance the environment of the City for many years.

This report conceptualizes the plan in narrative form. The map which accompanies it is a pictorial representation of the plan and is intended to be used in conjunction with the Land Use Element of the City of Indian Wells General Plan. The Open Space Element is also interwoven with the Conservation Element.

The Element is based upon five general categories: Natural Resource Preservation; Resource Production Management; Outdoor Recreation; Public Health and Safety; and Urban.

1. Natural Resource Preservation Areas are divided into two sub-categories: Flora and Fauna Habitat; and Scientific Study and Education. These categories include those areas identified (by State and Federal sources) as essential habitats for rare, endangered, or unique wildlife; those plants and animals of extremely limited distribution within the County and City; and areas recognized by experts as essential habitats for area wildlife

and plant resources of regional importance. Some high quality areas which are remnants of once widespread habitats, should be preserved and managed because of their historic and scientific value alone. If high quality habitats become part of a contiguous open space system, their preservation and management can serve in a multi-functional capacity, to be enjoyed as passive (scenic) open space, limited active recreation (hiking, etc.), along with scientific and historical research.

The preservation and management of these areas as open space benefits man and nature together. They are valuable for education, especially for local schools and universities, and are of high scientific value, providing opportunities for organized research. In addition to visual relief and general scenic value, some such localities (e.g. Living Desert Reserve) are known throughout the nation as "nature attractions," bringing thousands of tourists to them each year. The preservation of these important nonrenewable natural resources is consistent with local, regional, state, and national policies and goals (rare and endangered species are protected by law).

It is the intent of this Element that uses in the

areas designated as "Natural Resource Preservation" be regulated and that any proposal to develop land in this category can be found to be compatible with this Element provided a development plan is prepared and approved by the City. The development plan shall indicate the measures to be taken to assure that any adverse affect on the plant and wildlife can be satisfactorily mitigated.

It is further the intent of this Plan that prior to the approval of any development plan in areas designated as "Natural Resource Preservation" the State and Federal agencies, and other entities responsible for protecting the plant and wildlife shall be notified and given a reasonable period of time to purchase said lands.

2. Resource Production Management Areas consist of two classifications in the City: Groundwater Basin Recharge; and Agriculture. The major Groundwater Basin Recharge areas in the City consist of the Deep Canyon Spreading Grounds and Stormwater System which is fed from the Deep Canyon, Dead Indian, Grapevine, and Carrizo Creek watersheds. Other important groundwater recharge areas include the bahadas (often indicated as flora and fauna habitats) generally occurring

along the "toe of the foothills."

The spreading ground areas act to disperse periodic flood water over a large area. This action slows the flow, allowing valuable topsoil to settle and precious water to soak into the ground water supply. The presence of water and the recurring flooding makes the floodplains a productive area for natural vegetation, which in turn supports wildlife.

Far from being a calamity, floods are one of nature's most predictable, creative, and benign acts. It is only when man interferes with this natural process and places structures in the path of the flood, that the flood becomes a disaster. Narrowing the floodplain or constructing flood control works constricts the floodwaters and eliminates the spreading, slowing, and settling function of the floodplain. This increases the flood downstream and erodes the soils and dumps it into the sea where it is, for all practical purposes, lost forever.

It is the intent of this Element that uses be made of the floodplains that are compatible with their natural functions. Some examples are: agriculture, "at-grade" golf courses, riding and hiking, picnicking and recreational lakes. In

addition, the floodplains are one of the City's outstanding natural features. In many areas they form natural boundaries between distinct communities or they lay at the focus of a neighborhood. The linear shape of the floodplains provides possible corridors for hiking and riding. Creative design of residential development can preserve the smaller channels and areas as important close-at-hand open spaces in an otherwise urban setting.

It is the intent of the Open Space Plan that there be no construction of flood control structures, except where necessary to protect existing development. Further, the Open Space Plan proposes that there be no development in the floodway which would in any way interfere with its recharge function.

Agricultural Areas, in general, found within the City constitute a minimal portion of the agricultural economy of the Coachella Valley; however, those areas which contain date palms are of sufficient scenic importance so as to warrant special attention. It is the intent of this Plan to encourage the retention of all agriculture within the City for as long as it is economically feasible. Urban-type development of date garden properties shall include provision for replanting

and continued maintenance of trees, either on-site or at a nearby location. Scenic designed open space, on not less than 50% of the parcel to be developed shall be integrated into any such urban-type development of agricultural land.

3. Outdoor Recreation Areas are proposed in three sub-categories:

Committed Open Space; Parks; and Scenic Corridors.

Committed Open Space areas include lands that have already been committed in some degree to an open space use, such as: 1) public and privately owned lands in the scenic foothills; 2) open spaces designated in planned residential developments; 3) golf courses; 4) community pools; and 5) tennis courts. It is the intent of this plan that such lands continue to remain open. Further, no sale or exchange of publicly owned property should take place prior to the consideration of the impact of such action on the open space goals. Much of this land also serves manifold purposes outlined in other open space categories.

Areas designated as 'Parks' are proposed to be maintained for their outstanding scenic, historic, archaeologic, and cultural value. Most of these lands are particularly suited for park and recreation purposes. Historic sites, by their very

nature, are unique and irreplaceable. They help in meeting mankind's need to understand his origins. An objective of the Open Space Plan is to "encourage the acquisition of historic sites (including unique archaeological sites) and their immediate environs by public agencies or private organizations interested in our historic and cultural heritage." An example of past activity in preserving City history is shown by the placement of an historic marker by the Riverside County Historical Society along Highway 111 near the site of the original "Indian Wells." It is the intent of the Open Space Plan that the City should proceed with identification of additional historic sites; protect historic sites by appropriate regulations; require notification and opportunity for acquisition or preservation before their destruction; and acquire, or encourage other public agencies to acquire, such sites where appropriate.

Scenic Corridor Areas include lands in and adjacent to scenic routes and recreational linkages. It is proposed in this Plan that appropriate measures be taken which will maintain and enhance the aesthetic qualities of these routes. Developments adjacent to Scenic Corridor Areas should place particular emphasis upon visual amenities, both natural and artificial.

4. Public Health and Safety Areas are indicated in four divisions: Flood Channels; Fault Zone; Erosion Plain; and Fire Hazard. The Flood Channel Area's primary function is to provide an evacuation route for overflow flood water during periods of peak runoff, thereby preventing flood water from innundating surrounding lands. Its secondary functions provide additional recharge of groundwater basins and provide additional open outdoor recreational areas. (e.g. portions are used for golf courses.) It is intended that no structures be placed within flood channels that would interfere with their functions.

Fault Zone Areas indicate suspected and actual places where fractures occur in the earth's crust and along which movement has taken place. Danger to public safety is compounded on and near the fault zone since other geologic hazards exist there also. (steep slopes, landslide areas, and highly erodible soils). A complete geological study should be conducted if development is proposed nearby. It is the intent of this plan to discourage development on and near the fault zone.

Erosion Plain Areas are indicated in the City on only those lands which have the severest wind erosion hazard. These lands consist of soils

(Rositas) composed of very fine sand, with little or no vegetation present. This, coupled with a very arid climatic condition (less than 4" of rainfall) and in an unprotected area experiencing seasonal strong northwesterly winds, contributes to the sand dunes' survival. This Plan encourages development on erosion plains only if proper mitigating measures are employed, so as to result in no adverse effects from wind erosion both within the development as well as on surrounding lands. Larger developments should be encouraged, rather than smaller ones. Perimeter windbreaks with adequate maintenance provisions should be employed. Such properly designed developments shall provide a minimum of 50% open space within the project.

Fire Hazard Areas are shown primarily where poorly maintained date and citrus trees are prevalent. This Plan encourages the elimination of this hazard by stating policies and methods of implementing the removal of the danger. These lands may be developed in accordance with the agricultural areas classification provided that the fire hazard is deleted.

5. Urban Areas are shown in two sub-categories: Existing Urban; and Designed Open Space. The Existing Urban Areas constitute subdivided and intensively developed land. Less than 10% of the land within the City's jurisdiction falls in this category. Of this, 59% is developed with structures -- the balance constitutes vacant subdivided lots. Some of the more recent developments have integrated open areas in excess of 50% within their project boundaries. This Plan suggests "status quo" for these developments.

The Designed Open Space Areas category has been applied basically to the readily developable remaining vacant acreages in the City.

Preceding categories of open space have each contributed in their own way to the achievement of the open space goals and objectives. There are, however, some goals and objectives that can be achieved only by designing open space into each future major development. This type of designed open space is already reflected in the City, for example, in areas which have been developed as planned residential developments. This initial Open Space Plan does not attempt to do the detailed study necessary to design open space at the neighborhood level. Rather, it recommends that this type of planning be done as

a part of the development plan process. This initial Open Space Plan does provide framework for such planning by establishing City goals and policies and by providing data that will be of value in preparing those plans.

Serious consideration was given to the various approaches that could be taken to design an open space system. There is a truism that most people use as the definition of open space: "Open space is that vacant land owned by my neighbor." The person who uses this definition appears at the public hearing on a proposal to develop that vacant land complaining about the disappearance of open space.

A traditional approach to open space is merely to inventory vacant land, then identify the land to be acquired by the public. That same public tends to vote against the bond issue that will provide the open space he deemed so important. This traditional approach has failed practically everywhere it has been tried, and so is not recommended in this Open Space Plan.

The proposed approach eliminates all of this frustrating effort at preserving open space and substitutes one simple principle and one simple

regulation. As in anything so simple, there is, of course, a need for exceptions and there are other values related to some open space aspects of development that makes it not so simple at all. However, the approach is this: INCLUDE OPEN SPACE IN THE DESIGN OF ALL NEW MAJOR RESIDENTIAL DEVELOPMENT IN ACCORDANCE WITH THIS PLAN FOR OPEN SPACE.

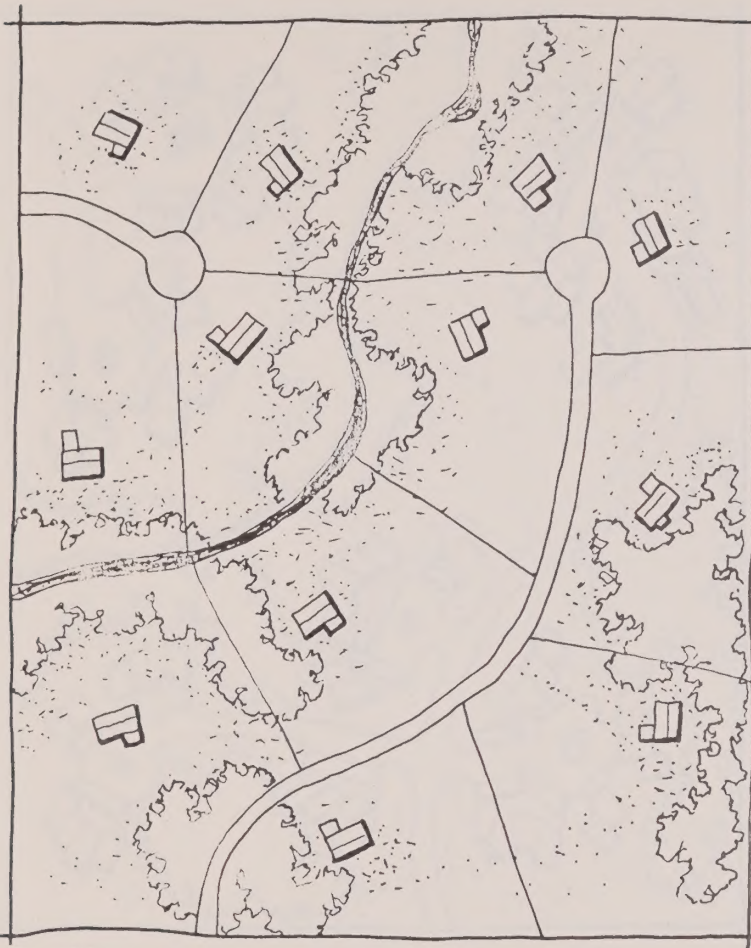
In those areas of the City where development is expected to occur and where no major intensive development as yet exists, and where open space is needed to achieve the goals and objectives, the Open Space Plan indicates land as "designed open space." Specifically, steep slopes, stream-beds and land with soils that are rated good for agriculture are identified as open space in order to conserve these resources for as long as possible and wherever possible.

It is the intent of the Open Space Plan that any proposal for residential development, consisting of five (5) acres or more, in the areas designated as "Designed Open Space" shall be permitted to develop as long as at least 50 percent of the gross acreage has been designated for an open space use. Specifically, it is intended that the open space can be provided either by creating minimum

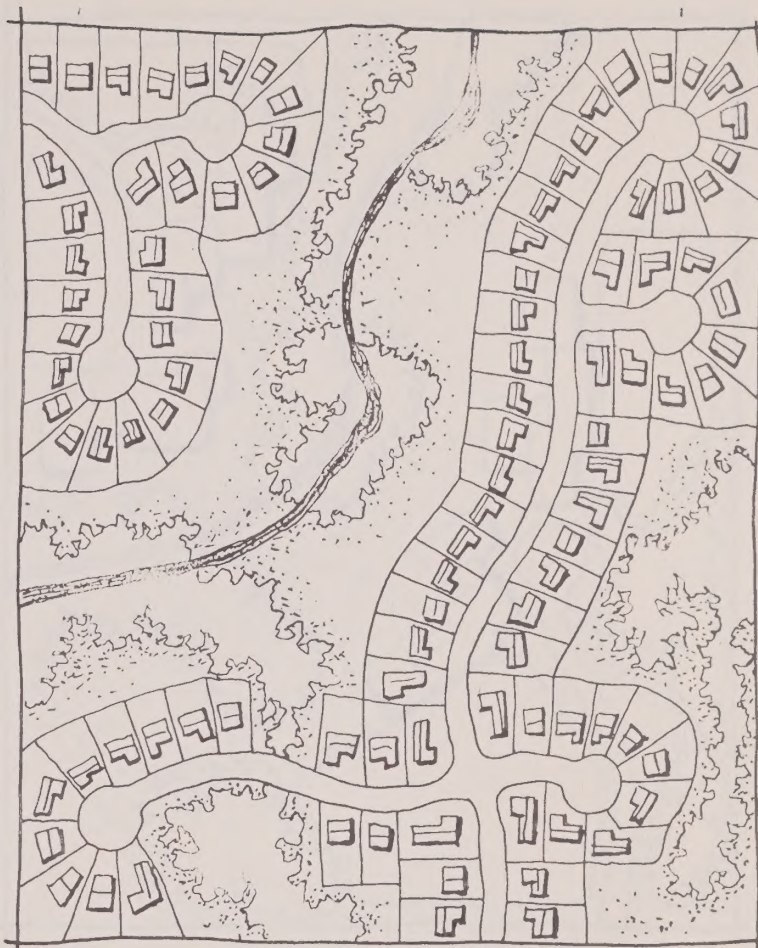
individual parcels of two and a half acres gross; or by clustering development at the density permitted in the Land Use Element in such a manner as to retain the necessary open space on parcels; or by designing recreational and scenic open space into such projects, such as golf courses, etc.

Since flat land is more economical to develop, the Plan intends to encourage developers to purchase adjacent steep land, or land of less value, and use it to meet this open space requirement. Joint filing of plot plans by individuals is also possible to maximize development potential for each owner. It is not intended to always require the developer to landscape or otherwise improve the open land since such requirements may make housing costs prohibitive, and at times "natural" areas may be more desirable.

Examples Of The Application Of The Designed Open Space Concept

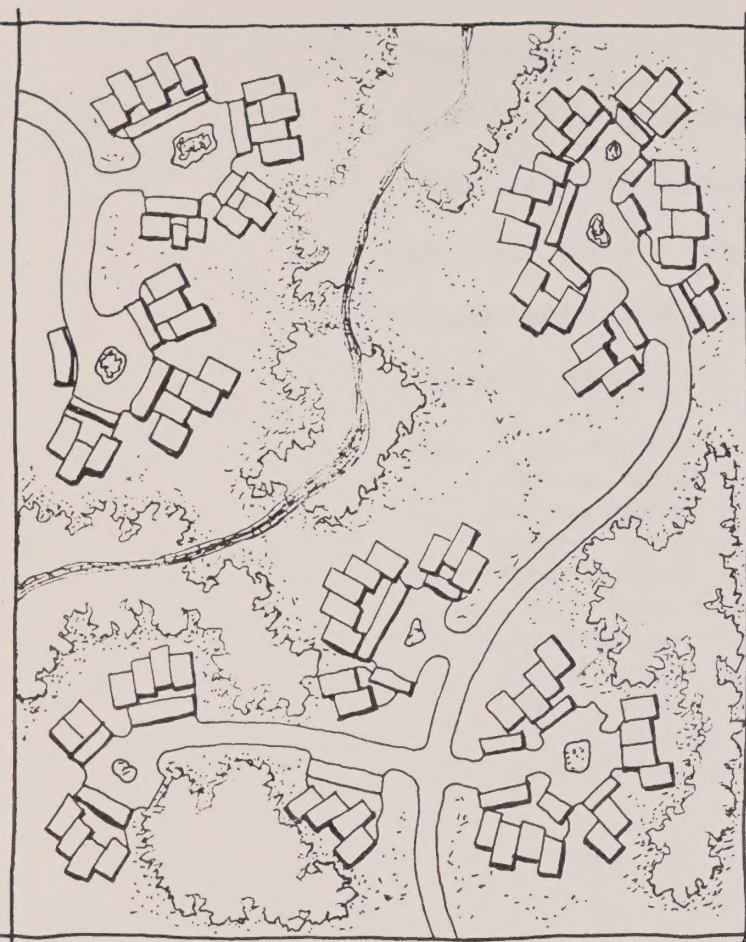


In this example the City General Plan Land Use Element designates the property for very low density residential use and the Open Space Element indicates the area as Designed Open Space. The development into large (2 acre net minimum) lots would meet the requirements of both elements.

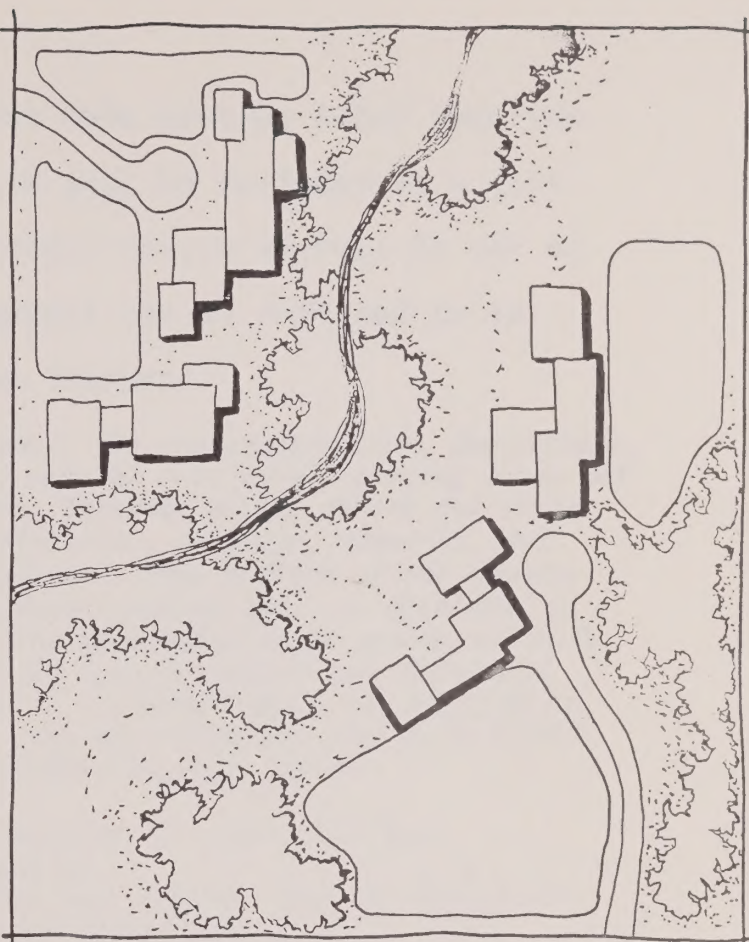


In this example the City General Plan Land Use Element designates the property for Low Density Residential use and the Open Space Element indicates the area as Designed Open Space, the zoning is R-1 which requires 12,000 square foot lots. The intent of both elements has been met in this case by providing standard subdivision housing of 12,000 square foot lots on half the property and leaving the remaining half in its natural state or as golf course. The Planned Residential Development (PRD) concept and regulations are not used in this instance.

Figure 1



In this example the City General Plan Land Use Element also designates the property for Medium Density Residential and the Open Space Element indicates the area as Designed Open Space, the zoning is H-W. The intent of both elements has been met in this instance using the Planned Residential Development concept and regulations with townhouses as the building theme.



In this example the City General Plan Land Use Element indicates the area as Medium Density Residential and the Open Space Element designates the land as Designed Open Space. Both elements have been satisfied in this example by development of a series of Multiple Residential Units in the midst of major open areas.

Figure 2

III. CONSERVATION ELEMENT

A. Authority

California Government Code Section 65302 requires that certain elements must be included in a city general plan. The conservation element is one of these mandatory elements and is referred to in Section 65302 (d) as follows:

(d) *A conservation element for the conservation, development, and utilization of natural resources including water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources. That portion of the conservation element including waters shall be developed in coordination with any countywide water agency and with all district and city agencies which have developed, served, controlled or conserved water for any purpose for the county or city for which the plan is prepared. The conservation element may also cover:*

- (1) *The reclamation of land and waters.*
- (2) *Flood control.*
- (3) *Prevention and control of the pollution of streams and other waters.*
- (4) *Regulation of the use of land in stream channels and other areas required for the accomplishment of the conservation plan.*
- (5) *Prevention, control, and correction of the erosion of soils, beaches, and shores.*
- (6) *Protection of watersheds.*
- (7) *The location, quantity and quality of the rock, sand and gravel resources.*

The conservation element shall be prepared and adopted no later than December 31, 1973.

B. Definition of Terms

Conservation is the planned management, preparation and wise utilization of natural resources. The objective of conservation is to prevent the wasteful

exploitation, destruction, and neglect of these resources.

Environment is the complex of factors that act upon a community and ultimately determine its form and survival. It includes all circumstances, objects, and conditions by which one is surrounded.

Ecology is a discipline concerned with the inter-relationship of an entity and its environment.

Natural Resources are those sources of wealth, tangible and intangible, which can be utilized by man and which are found in his environment.

C. Scope and Nature

The conservation element requires an appraisal of the City's natural resources and policies for their preservation or wise utilization. The City of Indian Wells does not have forests or fisheries and thus not all subject matter described by State Law applies; however, it has water relationships and other natural resources for which there is a need to evaluate ongoing development which affects the supply and utilization of these resources.

The Conservation Element provides a major policy input into the Land Use and Circulation Elements. Its concerns relate directly, and in fact overlap many of the aspects of the Open Space, Seismic Safety,

and Scenic Highways Elements. The Conservation Element is particularly intended to be a guide for future use of open areas in a manner that will conserve, protect, and enhance the environment of the City.

The Plan proposes that all significant natural resources should be identified and catalogued as their precise identity and nature becomes known. The extent and location of all environmental resources are not fully understood with present technology; however, the major resources are described below:

1. Water Resources:

Practically all water used within the City is obtained from wells located in and near the City limits. This resource is part of the huge underground water basin that acts as the prime aquifer for the upper Coachella Valley and its communities. The domestic water system which serves the City is operated by the Coachella Valley County Water District. It is inter-connected with that of Palm Desert Country Club development, just northerly of the Whitewater River. This system is served by 8 wells and 6 reservoirs with a combined storage capacity of approximately 0.141 million gallons. Several large private wells used for agriculture and golf course irrigation are also in use within the City limits. Their combined production capacity

is estimated at approximately 20,000 Gallons Per Minute. Except for a few small golf course lakes and 523 private swimming pools, no large surface waters are to be found within the City.

It has been estimated by the C.V.C.W.D. that with the importation of Colorado River Water, and ultimately Northern California water, no serious overdraft will occur on the Upper Coachella Valley groundwater basin even if the Valley's population continues to grow at its present accelerated rate to the year 1990. After that date additional sources may be necessary.

With the installation of recent wastewater collection systems, reuse of effluent, and current and projected Water Quality Control policies, no serious water quality problems are anticipated for the City.

The major flood hazards in the City have been reduced substantially by the Deep Canyon and Whitewater River Stormwater systems of dikes and channels built and maintained by the C.V.C.W.D. However, virtually no adequate protection exists from periodic thunderstorms producing surface runoff within the City in the area between the dikes and channels. A system of street improvements

consisting of curbs, gutters, and underground conduit is necessary to afford minimal sheet overflow protection.

Finally, groundwater recharge and percolation areas, such as the Deep Canyon Spreading Grounds, the bottoms of the drainage channels, the undisturbed mountains and foothill watersheds, the bahadas, golf courses, and other open space areas, should be regulated and maintained to the end that water is utilized at its maximum potential benefit to the residents of the area.

2. Vegetative Resources: Viable agriculture within the City consists primarily of tree crops at the present time. These are mostly date gardens and citrus. It is the intent of this plan to retain agriculture for as long as it is economically feasible. Because the character of the City is largely residential, recreational, and tourist oriented, the nearby relocation and maintenance of date palms should be encouraged at the time farming operations cease and development begins.

Another important vegetative resource is the natural flora and fauna habitat areas which include many bahadas and virtually all of the scenic mountains and foothills. These not only provide

habitat for unique species of wildlife, but provide scenic open space. Combining this with the potential cultural values (e.g. archaeological resources) and coupled, in one instance, with a severe wind erosion problem; it becomes evident that strong conservation measures should be employed for prudent land use.

Further, since Highway 111 has been indicated as a Scenic Highway, it is the intent of this plan to encourage vegetative scenic amenities along the route.

3. Wildlife Resources: The City is fortunate in having an opportunity to capitalize on its unique and varied plant and animal resources. Part of the Indian Wells' life style is the "nearness to nature" feeling of its residents. The open areas, and particularly the variety of wildlife offered by natural open areas, is an asset which should be preserved in perpetuity.
4. Air Resources: Indian Wells lies in the Southeast Desert Air Basin. For many years the Coachella Valley has enjoyed relatively clean air. With the urbanization of the Los Angeles metropolitan area the quality of atmosphere has deteriorated proportionately. The majority of air pollutants

in the City originate in the L.A. basin, flow easterly into the Valley, and gradually dissipate. No direct quality control mechanisms appear presently available to the City; however, policies and objectives can be formulated which will promote eventual enhancement of air quality.

5. Scenic Resources: It has been said that a unique feature of the City is its tranquility. Much of this can be attributed to the natural scenic beauty of the mountains and foothills which constantly change colors and shadows as the day passes. In order to maintain this serenity it, therefore, becomes necessary to preserve the mountains and foothills in their natural state. Further, too dense a development would preclude view of the scenery.

6. Soil Resources: Various soils are found within the City limits, ranging from rock land on slopes in excess of 25% to very fine sand and silt. For the most part, the relatively level, potentially developable, land has excellent soil which can grow most any crop, has good drainage, and exhibits no compaction problems. Water erosion exists, but is minor and not considered as major a problem as that of wind erosion. The most severe wind erosion occurs in the northeast

portion of the City and is depicted on the Open Space Element and Open Space Inventory maps. Properly maintained perimeter windbreaks, together with complete ground cover on projects, are required to control the wind erosion problem. Any disturbed ground in this erosion area must be planted, irrigated, and maintained over an extensive period of time to minimize adverse effects.

D. Areas of Critical Concern

The Areas of Critical Concern are keyed to the Open Space Element and are indicated and identified therein as: Natural Resource Preservation Areas; Resource Production Management Areas; Outdoor Recreation Areas; and Public Health and Safety Areas. It is the intent of the Conservation Element to be a guide for the prudent management of land uses in the City, particularly with respect to the areas of critical concern.

E. Development Capacity of Land Uses

The limitation of land uses expressed in the Open Space Element is intended to be reinforced by this element. It is the intent of the Conservation Element to minimize ecologic disruption and direct development to lands where such impact will be negligible.

F. Goals and Policies

Conservation Goal

To wisely manage the development of lands and use of natural resources within the City in a manner which will protect and enhance the quality of the total environment.

Conservation Policies

1. The concept that quietness and serenity is a desirable environmental factor shall be recognized; and measures to control man-made noise and activity, within tolerable limits, shall be promoted.
2. Any yet to be discovered significant mineral deposit sites shall be protected; and the imaginative reuse of areas where minerals are removed shall be encouraged and promoted, as long as this activity does not unnecessarily interfere with the environment.
3. The utilization of natural resources, including scenery, soil, water, vegetation, air, wildlife, and mineral resources, shall be carefully controlled and managed.
4. The management principle of multiple use and sustained yield in the development and use of

natural resources shall be promoted and encouraged.

5. The maintenance and conservation of trees, particularly date palms, and other natural vegetation shall be encouraged and promoted.
6. Development in canyons and on hillsides shall be severely regulated and limited to prevent the disruption of wildlife habitats, obstruction of natural runoff courses, scarring of hillsides, and visual pollution.
7. The planting of fire-resistant vegetation shall be promoted along roadways and other fire-prone areas.
8. Cooperation among responsible agencies to protect prime soils from dangers such as erosion and misuse shall be encouraged.
9. The protection and preservation of wildlife to maintain the balance of nature shall be encouraged.
10. The maintenance and improvement of water quality by sound conservation practices in regard to water and watersheds shall be promoted.
11. Good quality air shall be recognized as a prime resource, and cooperation among all responsible agencies-- both private and public-- to protect

and maintain air quality shall be promoted.

12. Outstanding scenic vistas and visual features shall be preserved and protected.
13. To the maximum possible extent, major drainage courses shall remain in a natural condition in order to preserve wildlife, vegetation, scenic values, and assist in groundwater recharge.
14. Areas of environmental resource significance, such as wildlife habitat, unique vegetation, and historic-archaeologic values, should be identified by appropriate agencies and measures should be developed to limit uses to those compatible with the value of those areas. Pending completion of these procedures, responsible local and regional agencies should seek to limit the use of such areas, including possible purchase in fee or as "open space easements."
15. The "wilderness experience" should be regarded as a resource to be managed, protected, and enhanced. The control of visitation and mode of transportation should be designed to conserve this resource.
16. Proponents of development in conservation areas and in other areas of environmental resource

significance shall demonstrate that no significant adverse impact will be created which would detract from the desirable qualities of these areas prior to any activity in the area.

G. Proposals

The Conservation Element is intended to operate in harmony with the Open Space Element and all other elements of the City's General Plan. It will act as a guide for future and present uses in the City (particularly the open areas) in a manner which will conserve, protect, and enhance the City's environment. Since the nature of the Conservation Element is such that it cannot be readily depicted in graphic form, the Open Space Element map is included in this element for reference. The proposals are, therefore, presented primarily in textual form.

Reinforcement of the Conservation Element of the City General Plan can be more readily achieved when the value of the natural resources of the City and the economic benefit to be derived from the proper conservation of such resources is realized. Conservation in this sense does not mean a "hands-off" program of non-utilization or complete preservation of such resources as water, vegetative, wildlife, air, scenery, soils, and other minerals; but rather

it calls for programs to determine those resource uses which are essential and to decide how to best utilize those resources without unreasonably degrading other natural resources and the environment. (e.g., the extraction of sand and gravel from a river bottom should be carried on with minimal adverse impact upon air and water quality; scenic values; riparian vegetation and wildlife; and recreation values of that river.) Conservation should be regarded as a process of managing all natural resources over a long period of time in an intelligent manner.

The Plan proposes that all significant natural resources in the City be periodically identified and catalogued. This is detailed farther in the implementation section. Much remains to be done, however, before decisions can be made in regard to protection, enhancement, and wise use of the various resources. This task is of vital importance to officials involved in the implementation of the California Environmental Quality Act of 1970. The requirement of an Environmental Impact Statement for a proposed public or private project has little meaning if there is limited knowledge of the extent and location of present environmental resources.

It is proposed that programs to protect historical and archaeological sites, air quality, wildlife, and other resources should be formulated and implemented. Additionally, all present projects that conserve and/or enhance our physical environment should be encouraged.

The Plan proposes that urbanization be carefully controlled and regulated in flood plains, major drainage courses, on important watersheds, in areas presenting high fire risks, in blowsand areas, in unstable soil areas, in earthquake fault zones, and in areas required for the protection of water quality and air quality. Such controls are necessary, not only for conservation reasons, but, in the best interests of public health and safety. This proposal points out the necessity of implementing the Open Space Element and the Land Use Element as a means of practicing conservation. The complementary nature of the three elements should be apparent. Most natural resources can be conserved only in areas with open space characteristics.

The maintenance of a tolerable (to say nothing of a high-quality) life-style in the City is dependent upon the quality of its natural resources. Degradation of any one resource will result in some degradation of life quality. One need not look far to

see the results of poor resource management. Scarred hillsides, eroded fields, polluted streams, and unbreathable air are some of the distressing tangible results of environmental degradation. The intangible results are the damaging psychological effects of noise, visual, and air pollution. All improvements and enhancements of our environment are beneficial to the health and well-being of the people in the City.

IV. IMPLEMENTATION

A. Acquisition

Public ownership of title is perhaps the best way to guarantee the preservation of lands as open space on a permanent basis. The acquisition of land for parks and related park purposes should proceed along several lines. First, there are areas in the City which can best be utilized when operated and managed as scenic, wilderness, or natural areas. Secondly, local recreation facilities should be acquired as undeveloped areas become urbanized.

The City could use several methods to acquire open space areas for park purposes. These methods include use of present revenues; issuance of general obligation bonds and revenue bonds; requirement of dedication of land or payment of fees pursuant to provisions of the Quimby Act (Section 11546 of the Business and Professions Code) or similar legislation; use of Federal and State grants which become available from time to time; and use of special purpose taxes such as a construction tax. Private philanthropy has been of great advantage in the past and should be encouraged and pursued for acquisition of all types of open space lands.

Support of the County's program for the acquisition and management of County wide regional parks should be continued by the City so that County park acquisition and development may have a stable tax revenue source. The recently adopted Riverside County Finance Program for Park Site Acquisition and Development, should be seriously considered to meet some of the City's and County's recreational open space needs for the near future.

Partial acquisition, or acquisition of less than fee simple interest in real property, is a method which has had limited application. This method has the ability to preserve the open character of important areas where public access is not mandatory and should be considered for further use. Included in the broad category of partial acquisition are various types of easements and recorded restrictions on use. The acquisition may be temporary or permanent, depending on the particular needs for open space conservation.

California law allows for the acquisition of a partial interest in lands in several ways. Since 1959, jurisdictions have been authorized by Government Code Sections 6950 through 6954 to acquire "....the fee or any lesser interest or right in real property in order to preserve, through limitation of their future use, open spaces and areas for public use and

enjoyment." In 1969, the State Legislature added Sections 51050 through 51065 to the Government Code authorizing Open Space Easements and specifically qualifying such easements as enforceable restrictions within the meaning of Article XVIII of the California Constitution:

ARTICLE XVIII

CALIFORNIA CONSTITUTION

OPEN SPACE CONSERVATION

Section 1. The people hereby declare that it is in the best interest of the state to maintain, preserve, conserve and otherwise continue in existence open space lands for the production of food and fiber and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens. The people further declare that assessment practices must be so designed as to permit the continued availability of open space lands for these purposes, and it is the intent of the article to so provide.

Section 2. Notwithstanding any other provision of this constitution, the Legislature may by law define open space lands and provide that when such lands are subject to enforceable restriction, as specified by the Legislature, to the use thereof solely for recreation, for the enjoyment of scenic beauty, for the use of natural resources, or for production of food or fiber, such lands shall be valued for assessment purposes on such basis as the Legislature shall determine to be consistent with such restriction and use. All assessors shall assess such open space lands on the basis only of such restriction and use, and in the assessment thereof shall consider no factors other than those specified by the Legislature under the authorization of this section.

Also, since 1965, enforceable restrictions for agricultural lands have been permitted under provisions of the California Land Conservation Act, also known as the Williamson Act.

The above methods for partial acquisition offer the private property owner either a cash settlement for certain rights or preferential assessment for tax purposes. Thus, the City could acquire an easement on a tract of land which would restrict the uses of the land to those compatible with the open space and conservation character of the area. The particular rights the landowner would be giving up would be specified in the recorded easement. Landowners with permanent easements or restrictions also would have the same assurance of low tax bills, but the permanent nature of the easement may necessitate some additional compensation. All such proposed acquisition would have to be considered on an individual basis by the City Council.

Another alternative which may be feasible in some parts of the City is a purchase and sale-back or purchase and lease agreement, in which the City will lease some open space lands to individuals for open space uses or sell back acquired lands with recorded restrictions on use. This is used, for example, in areas near airports where leases for agricultural purposes are used to generate revenue for cities and counties on open space lands.

Land which reverts to State ownership through tax delinquency should be inventoried for open space and conservation value before being disposed of at auction. Such lands suitable for public ownership should be retained at that time, and open space easements could be attached to those parcels not retained, where such action is warranted.

If properties owned by utility companies are needed in connection with a park project, or similar use, consideration should be given to joint use agreements or a license from the utility company; and to uses that would be compatible with the use of the land by the utility company. (e.g., power transmission corridors could serve a dual function by providing recreation corridor links.)

B. Regulation

1. Zoning

Zoning for open space will be of greatest use for open space in areas which have verified constraints (e.g., flood plains, steep hillsides) and in areas which have traditionally been zoned for open space uses, such as agricultural lands.

The present zoning ordinance of Indian Wells does have zones and provisions contained therein which are applicable in whole, or in part, as open space and conservation zones. It is hereby

declared that the following zones in Indian Wells Municipal Code, Title 21, are consistent, in whole or part, with the Open Space Element and Conservation Element: W-1 and H-1. It is further recognized that these zones will not always be consistent with all portions of the Open Space Element, and further, that in the proper situation, other zones may also be consistent with the open space designation or conservation proposal.

The zoning provisions, such as by Conditional Use Permit, which allow for planned residential and cluster developments will also allow for imaginative use of open space in subdivision design. A bonus system of density/open space designation may well prove valuable for preservation of urban open spaces.

Existing zones, such as R-1 and others, should be amended or new zones created to reflect by statute, rather than Conditional Use Permit, the policies and proposals in the Designed Open Space category.

2. Subdivision

Subdivision regulations offer another avenue for implementation of open space and conservation

goals, policies, and proposals. These regulations should be reviewed to consider amendments to require different standards for hillside development. Consideration should be given to reviewing the grading plan for any subdivision before approval of the tentative subdivision map. Energy conservation could be effected by suitable design standards. The traditional approach to subdivision design must be amended to require thoughtful design in conformity with existing land resources.

When areas of environmental resource significance have been identified, subdivision standards should be amended for each of these areas to assure the maximum possible retention of resources.

Another regulatory technique is the application of the California Environmental Quality Act (CEQA) and the preparation of environmental impact reports. Through the use of mitigation measures in project design and approval processes, open space and resources will be conserved to a considerable extent.

The Business and Professions Code Section 11549.5 (AB 1301) enables the City to deny subdivisions which are not designed in accordance with general

plan elements. In the absence of an open space plan, the City has not had criteria for requiring subdivisions to be designed in such a manner so as to preserve open space as a part of the development process. The use of this tool is a major recommendation of this open space plan.

The Planned Residential Development (P.R.D.) type of subdivision does not require open space, but merely encourages the design of open space in all major private developments by providing an opportunity to do so. After adoption of an open space plan, it will be possible to require all P.R.D. subdivisions to conform to the Open Space Element as well as to the Land Use and Circulation Elements.

At the present time, setbacks are used only to assure front, side, and rear yards. This type of regulation tends to stereotype development. Setbacks could be required for scenic purposes, for fire breaks, to encourage cluster development, and to protect natural watercourses of minor streams. The setback does not require acquisition or dedication and does not lead to inverse condemnation if applied reasonably and uniformly.

3. Other Ordinances

Various ordinances and amendments to existing ordinances are possible, usually under the State Health and Safety Code. A blowsand control ordinance, grading ordinance and fire hazard elimination ordinance are but a few ways to accomplish specific policy objectives.

C. Taxation

Variations in taxation policy are difficult to adjust at the local level due to state law. Present taxing policy, which encourages conversion of land use at the urban fringe through assessment of land at market value, does allow some concessions for open space uses when these are recorded restrictions (as discussed previously under Acquisition). However, until state law is altered to allow collection of tax revenue in a manner less closely associated with land, there is little a local jurisdiction can do to preserve open space lands through taxation policy.

The methods for allowing tax concessions which exist now, or are from time to time enacted, should be utilized fully in accord with the Plan to foster the preservation of natural and open space areas.

D. Capital Improvement Program

Another very important program to implement the Open Space and Conservation Elements, especially with regard to timing of development and the extension of public services and facilities, is an adopted Capital Improvement Program which would indicate the nature and extent of public improvements to be provided. The control of urban form is very directly related to the provision of these essential public services and facilities.

Planning for such public improvements, and the public announcement of intentions to acquire property or schedule construction of new facilities, can do much to influence private decisions. Savings can be realized in the coordinated planning inherent in a Capital Improvement Program. The program should be prepared for five or six years in advance and should be revised annually.

E. Citizen Participation

An interested citizenry is the heart of any planning program. The City has an obligation to inform its residents of significant programs and the residents have the responsibility of informing the City of their varied interests. The City should give thought to emphasizing the role of the Planning Commission to

act as an Open Space Resources Committee, to assure the necessary exchange of ideas between the City and its residents concerning the environment.

Also, a continuing program of education for environmental awareness should be fostered by the City.

Cooperation and exchanges of ideas with organized conservation groups should be encouraged.

F. Controlled Growth Policies and Coordination Measures

Coordination with the various Federal and State agencies which have the responsibility for resource management in particular fields will also result in the careful utilization and conservation of resources. Such coordination is directed in Section 65561 (d) of the Government Code, and was previously cited.

The provisions of Section 65402 of the Government Code requiring public agencies to submit reports to the City regarding acquisition and construction programs, will aid in the coordination and afford opportunity for the City to influence controlled growth. All interested agencies and organizations should be kept informed of activities affecting open space and conservation.

Additional control of growth would be affected by formation of improvement districts (e.g., a wind

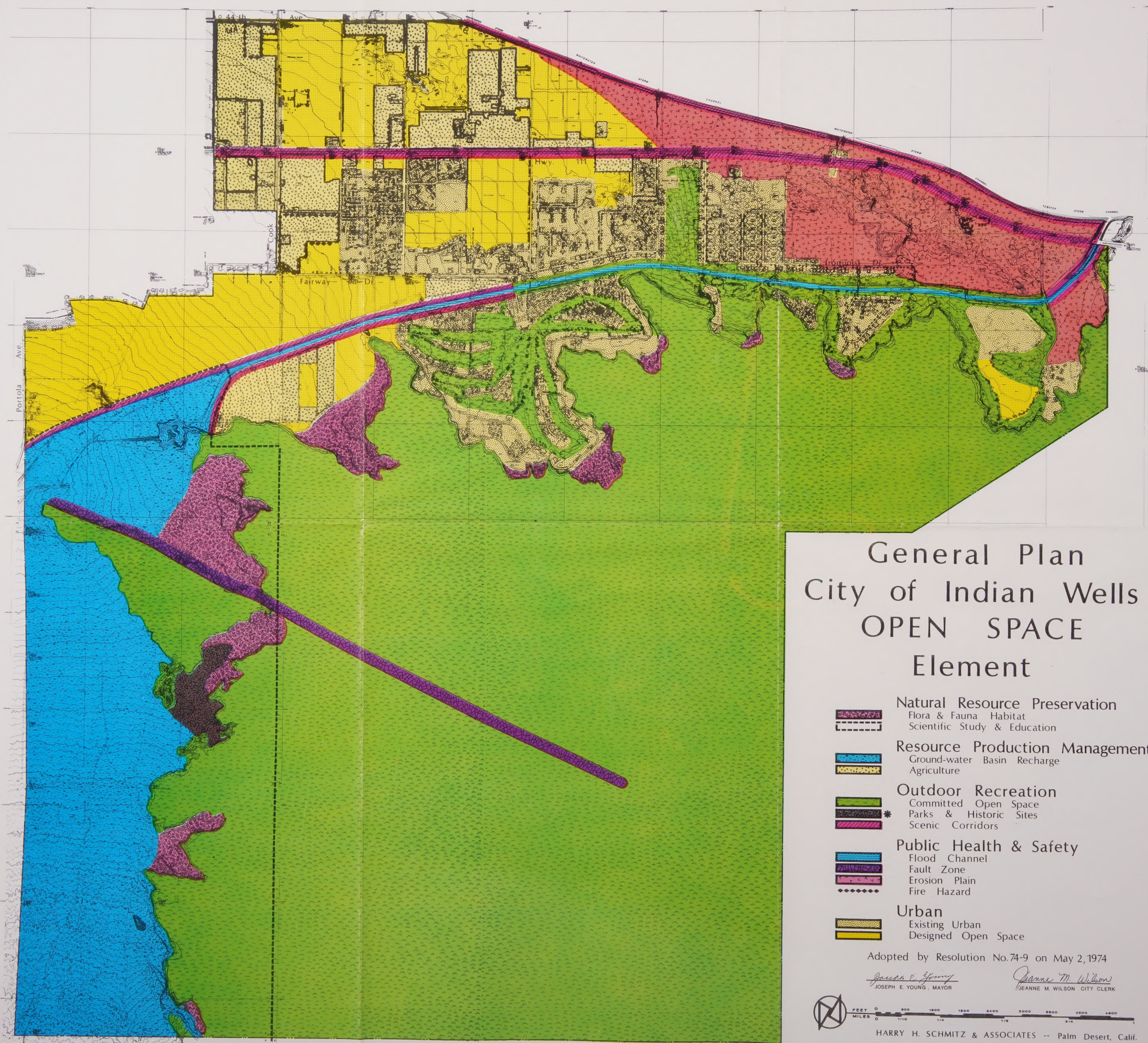
erosion control district) which would have the ability to systematically install hazard protection, such as windbreaks and stormwater conduits.

G. Further Research

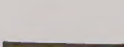
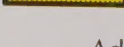
The most important implementation tool for both open space and conservation is the continuing effort to inventory and analyze the open space resources of the City in order to define the areas of environmental resource significance, areas of open space and cultural significance, and areas of hazard to public health and safety.

It is recognized that planning is a dynamic process, particularly as it applies to the General Plan Elements.

THE ONLY "CONSTANCY" IS THAT OF CONTINUAL CHANGE!



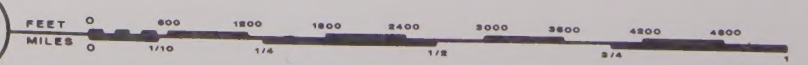
General Plan City of Indian Wells OPEN SPACE Element

-  Natural Resource Preservation
 - Flora & Fauna Habitat
 - Scientific Study & Education
-  Resource Production Management
 - Ground-water Basin Recharge
 - Agriculture
-  Outdoor Recreation
 - Committed Open Space
 -  Parks & Historic Sites
 -  Scenic Corridors
-  Public Health & Safety
 - Flood Channel
 -  Fault Zone
 -  Erosion Plain
 -  Fire Hazard
-  Urban
 - Existing Urban
 -  Designed Open Space

Adopted by Resolution No. 74-9 on May 2, 1974

Joseph E. Young
JOSEPH E. YOUNG, MAYOR

Jeanne M. Wilson
JEANNE M. WILSON, CITY CLERK



HARRY H. SCHMITZ & ASSOCIATES -- Palm Desert, Calif.

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Insert map

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